IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 56 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GAURANGBHAI CHIMANBHAI KAPADIA

Versus

DECD. NARSINHBHAI LALLUBHAI PATEL

Appearance:

1. Civil Revision Application No. 56 of 2002

MR RS SANJANWALA for Petitioner No. 1

..... for Respondent No. 1

MR JAYESH M PATEL for Respondent No. 1/1-4

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 30/04/2002

ORAL JUDGEMENT

Rule. Service of Rule is waived by Mr. Jayesh M. Patel, learned advocate for the respondents. With the consent of the learned advocates for the respective parties, this matter is taken up for final disposal

today.

2. Heard Mr. R.S.Sanjanwala, learned advocate appearing for the petitioner and Mr. Jayesh M. Patel, learned advocate appearing for the respondents.

3. The only dispute raised in this Civil Revision Application is, whether the documents referred to in paragraph - 2 of Exhibit 189 - Application preferred in Special Civil Suit No. 162 of 1993 can be referred to a handwriting expert for his opinion or not. The learned Judge has rejected the said application vide his order dated 11/07/2001. Being aggrieved by the said order, the present Revision Application is filed by the present petitioner.

4. After arguing the matter at length by the learned advocates appearing for the respective parties, a consensus has arrived at between them that the documents referred to in paragraph 2 of the Application Exh. 189 in Special Civil Suit No. 162 of 1993 may be referred to the handwriting expert forthwith and the handwriting expert may be directed to give his opinion within a period of one month from the date of receipt of the said documents from the trial Court. It is further agreed between the parties that the trial Court will decide the suit within one month from the date of receipt of the report from the handwriting expert. Since the entire evidence is taken by the trail Court, closing pursis is filed by both the parties before the trial Court and the matter is at the stage of arguments, there cannot be any difficulty for the trial Court to dispose of the suit within a period of one month from the date of receipt of the report from the handwriting expert.

5. In this view of the matter, I direct the trial Court to forward the documents referred to in paragraph 2 of Application Exh. 189 in Special Civil Suit No. 162 of 1993 to the handwriting expert within a period of one week from the date of receipt of writ of this Court directing the handwriting expert that the report be submitted by him within a period of one month from the date of receipt of the said documents from the trial Court. The trial Court is further directed to dispose of Special Civil Suit No. 162 of 1993 within a period of one month from the date of receipt of report of the handwriting expert.

6. With the above directions, the present Civil Revision Application is disposed of. Rule is made absolute to the aforesaid extent. There shall be no

order as to costs. Direct Service is permitted. Both the parties shall cooperate in the proceedings before the trial Court so that the suit can be disposed of within a time bound programme as stated above.

[K.A. PUJ, J.]

Rajendra